

**THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	<b>Case No. 16-03092-01-CR-S-RK</b>
<b>ALBERTO COLINA, JR.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	
	)	

**ORDER**

After the United States moved for pretrial detention, a hearing was held in this matter pursuant to 18 U.S.C. § 3142(f). The defendant was present personally and with his counsel Ann Koszuth, Assistant Federal Public Defender. The United States was represented by Ami Miller, Assistant United States Attorney.

The Grand Jury has found probable cause to believe that the offenses charged were committed by this defendant. Based on the evidence presented at the hearing, there are no conditions that the Court can impose that would reasonably assure the defendant's appearance at all scheduled hearings and the safety of other persons or the community.

The factors to be considered by the Court in determining whether the defendant should be detained pending trial are enumerated in section 3142(g). Regarding the potential for failure to appear, the Court notes the defendant's extensive criminal history which includes, but is not limited to, the following: criminal activity while under supervision; pending charges; history of failure to appear and absconding; probation non-

compliance; and, an active warrant. In addition, the Court notes defendant's lack of familial, residential, property, and financial ties to the area, lack of verifiable, legitimate employment, homeless status, substance abuse history, and mental health history.

Regarding the potential danger to the community, the Court notes defendant's extensive criminal history including prior arrests and convictions, multiple felony convictions, probation non-compliance, history of weapons use, criminal activity while under supervision, pattern of similar criminal activity history, and history of violence and domestic violence. In addition, the Court notes defendant's substance abuse history and mental health history.

Based on all the foregoing, the Court finds by a preponderance of the evidence that the defendant is a flight risk, and finds by clear and convincing evidence that the defendant is a danger to the community.

**IT IS THEREFORE ORDERED** that the defendant be, and is hereby detained without bail.

**IT IS FURTHER ORDERED** that the defendant be committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States, or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

**IT IS SO ORDERED.**

**DATED: September 6, 2017**

*/s/ David P. Rush*

**DAVID P. RUSH**

**United States Magistrate Judge**